

REMARKS

Claims 21 and 37-42 are pending in the present application. By this amendment, claim 21 is amended, and claims 1-3, 7-20, 22-33 and 35-36 are canceled without prejudice. The rejected claims are being canceled to expedite prosecution. However, the rejection of these claims is improper for at least the reasons set forth in the prior office response, and Applicants preserve their ability to present additional grounds for traversal in a continuing application. Applicants respectfully request reconsideration of the present claims in view of the following remarks.

Entry of the above amendment is proper under 37 C.F.R. § 1.116 (a) in that the above amendment (1) places the claims in condition for allowance; (2) places the claims in better condition for consideration on appeal, if necessary; (3) does not raise any new issues; and (4) does not add new claims without canceling a corresponding number of claims. For the reasons given above, entry of the above amendment under 37 C.F.R. § 1.116 is respectfully requested.

I. Formal Matters

Allowable Subject Matter

Applicants note with appreciation that claims 37-42 are allowed.

Claims 22-27 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. However, if claims 22-27 were amended to include all of the limitations of base claim 20 and any intervening claims, claims 22-27 would include recitations similar to those in allowed claims 37-42. Therefore, claims 22-27 have been canceled.

II. Claim Rejections

Claim Rejections Under 35 U.S.C. §102(b) in View of Herrero Garcia

Claims 1-3, 7-9, 14, 16-21, 28-33, and 35-36 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,479,491 to Herrero Garcia et al.

(hereinafter “HG”). As discussed above, claims 1-3, 7-9, 14, 16-20, 28-33, and 35-36 are canceled without prejudice, rendering the rejection to these claims moot. Applicants respectfully traverse this rejection.

As noted above, claim 37 has been allowed over the teaching of HG. Since claim 21 has been amended to depend from allowed claim 37, claim 21 is also allowable over the teaching of HG. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §102(b) in View of Pepe

Claims 1-3, 7-9, 14, 16-21, 28-33, and 35-36 are rejected under 35 U.S.C. §102(b) as being anticipated by United States Patent No. 5,742,905 to Pepe et al. (hereinafter “Pepe”). As discussed above, claims 1-3, 7-9, 14, 16-20, 28-33, and 35-36 are canceled without prejudice, rendering the rejection to these claims moot. Applicants respectfully traverse this rejection.

As noted above, claim 37 has been allowed over the teaching of Pepe. Since claim 21 has been amended to depend from allowed claim 37, claim 21 is also allowable over the teaching of Pepe. Accordingly, withdrawal of this rejection is respectfully requested.

Claim Rejections Under 35 U.S.C. §103(a) in View of Herrero Garcia

Claims 10-13 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over HG. This rejection is respectfully traversed. However, as noted above, claims 10-13 and 15 are canceled without prejudice, rendering the rejection to these claims moot.

Claim Rejections Under 35 U.S.C. §103(a) in View of Pepe

Claims 10-13 and 15 are rejected under 35 U.S.C. §103(a) as being unpatentable over Pepe. This rejection is respectfully traversed. However, as noted above, claims 10-13 and 15 are canceled without prejudice, rendering the rejection to these claims moot.

Appl. No. 10/022,941
Amdt. dated July 11, 2005
Reply to Office Action of June 3, 2005
Confirmation No. 2593

CONCLUSION

For at least these reasons, Applicant asserts that the pending claims 21 and 37-42 are in condition for allowance. Applicant further asserts that this response addresses each and every point of the final Office Action, and respectfully requests that the Examiner pass this application with claims 21 and 37-42 to allowance. Should the Examiner have any questions, please contact Applicant's attorney at 404.954.5042.

Respectfully submitted,

MERCHANT & GOULD, LLC



Roger T. Frost
Reg. No. 22,176

MERCHANT & GOULD, LLC
P.O. Box 2903
Minneapolis, MN 55402-0903
(404) 954.5100

39262

PATENT TRADEMARK OFFICE